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September 26, 2005

Honorable Sue L. Robinson  
United States District Court for  
the District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street, Room 6124  
Lockbox 31  
Wilmington, DE 19801

**BY CM/ECF**

**RE: Froehlich v. Verizon, et al. - No. 05-564-SLR**

Dear Judge Robinson:

I am writing in anticipation of our Rule 16 Conference scheduled for this Wednesday, September 28, 2005, in the above-referenced action.

Counsel for Mrs. Froehlich has informed us that, because he believes he does not have the requisite experience in ERISA matters, he plans to withdraw as counsel as soon as he finds an appropriate substitute. In addition, he has not responded to Mutual of Omaha's motion to dismiss. As a result, he has informed us that he does not feel it appropriate to submit a discovery plan. Therefore, the parties are not in a position to submit a joint discovery plan to your Honor.

We thought it appropriate to inform your Honor why a discovery plan is not being submitted prior to the conference call. In the alternative, undersigned counsel respectfully suggest that it may be more productive if we postpone the conference until Mrs. Froehlich has secured alternative counsel. We are, of course, prepared to proceed on Wednesday if the Court so chooses.

Respectfully,

Michael J. Salmanson

\_\_\_\_\_/s\_\_\_\_\_  
Stephen J. Neuberger

*Counsel for Verizon*

cc: Charles Gruver, III, Esq. (by facsimile)  
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